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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,429	09/21/2001	John Chaco	8266-0722	6637

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Intellectual Property Group
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EXAMINER

POPE, DARYL C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/02/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/960,429

Applicant(s)
CHACO

Examiner
DARYL C. POPE

Art Unit
2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 9, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-28, 30-39, and 41-43 is/are rejected.
- 7) ☒ Claim(s) 29 and 40 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1: The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. **Claims 22-24,28,30-32,36-37,39, and 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Radomsky et al(6,211,790).**

-- In considering **claims 22 and 28**, the claimed subject matter that is met by Radomsky et al(Radomsky) includes:

1) the claimed first transmitter is met by the infant badge(32) having IR(34) and RF(36) transmitters;

2) the claimed second transmitter is met by the mother badge(30) having IR(34) and RF(36) transmitters;

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3) the claimed transceiver module having a receiver for receiving ID is met by the IR(20) and RF(21) readers which receives identification signals from the badges(32,34 column 6, lines 24-27);

4) the claimed first stored ID in a memory is met by the server which includes stored ID information from the badges in a central database(see: column 6, lines 13-16);

5) the claimed module indicating an alarm condition by comparing the ID to the stored ID is met by the indicator lamp of the readers which illuminate during a matching process(see: column 7, lines 16-20) in conjunction with display device(38) which indicates an incorrect match(see: column 7, lines 4-12).

-- **Claim 23** recites subject matter that is met as discussed in claim 22 above(see: column 7, lines 4-12).

-- **Claim 24** recites subject matter that is met as discussed in claim 22 above, as well as:

1) the claimed processor for comparing is met by the local processing capability of the readers(20,21) which allow processing of the received ID signals(see: column 6, lines 54-64).

-- **Claims 30-32** recites subject matter that is met as discussed in claim 28 above, as well as:

1) the claimed activation of the alarm when the first and second transmitters are separated by more than a preset distance is met by an alarm being activated when the infant badge is near an exit and not associated with an authorized mother badge(see: column 14, lines 49-55).

-- **Claim 36** recites subject matter that was met as discussed in claim 22 above, as well as:

1) the claimed actuator is met by the controller(26, column 5, lines 46-55).

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-- **Claims 37 and 39** recite methods that were met as discussed with reference to the apparatus of claim 28 above

-- **Claims 41-42** recite methods that were met as discussed with reference to the discussion of the apparatus of claims 30-32 above.

-- **Claim 43** recites subject matter that is met as discussed in claim 22 above, as well as:

1) the claimed central processing unit is met by the central server(24).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 21,25-27,33-35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky et al(Radomsky).**

-- **Claim 21** recites subject matter that is met by Radomsky as discussed in claim 22 above, except for:

1) the claimed transceiver module being portable.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make to readers(20,21) portable, since one of ordinary skill would have recognized the

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advantage of allowing portability of the readers while configuring the system, thereby further supporting reconfiguration, and thereby movement of the readers(20,21) as desired.

-- In considering **claims 25-27 and 38**, although energy level comparison is not specifically disclosed by the Radomsky, Radomsky does stated that in one embodiment it may be desirable to determine a reception rang of the badges to the reader(see: column 6, lines 60-63). The examiner takes official notice that in the badge detection art, use of energy level threshold comparison for determining distance is well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate energy level comparison means into the modules of Radomsky, so as to determine the energy level of the received ID's, since this would have provided an accurate means for determining badge distance, as desired by Radomsky.

As well, all other claimed subject matter is met as discussed in claim 22 above.

-- In considering **claim 33**, although a wired system is disclosed by Radomsky, the examiner takes Official Notice that in the signal transmission art, use of wireless signal transmission means is well known in the art, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute wireless signal transmission in place of the wired transmission means of Radomsky, since this would have reduced cost and circuit complexity in the system for the purpose of transmitting signals between devices in the system.

-- **Claims 34-35** recite subject matter that was met as discussed in claim 33 above, as well as:

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1) the claimed controller determining a location of the transmitters and transceiver modules is met by the server(24) determining the location of the devices in the system(see: column 7, lines 20-22).

Furthermore, it would have been obvious that the server(24) would have included some form of processor for determining the locations since this would have been necessary in order to operate the system.

Allowable Subject Matter

6. Claims 29,40 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REMARKS:

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

8. Due to the incompleteness of the previous office action concerning the art rejection, the examiner informed applicant's representative to provide a response without the requirement for arguments pertaining to the cited prior art. The examiner will respond to applicant's arguments in all subsequent office actions.

Conclusion

9. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314(for formal communications intended for entry)

and as well:

(703) 872-9314(for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 7:30 to 6:00 since the examiner works on a compressed work schedule in which every Friday is the examiner's day off.

All interviews requested, whether personal or telephonic, are to be scheduled for times between 11:00 a.m. and 5:00 p.m. between Tuesdays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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Daryl C. Pope


DARYL POPE
PRIMARY EXAMINER

Sept. 20, 2003